

REMARKS

Claims 1-28 are pending in the present application. Claims 1-2, 4, 7, 9-11, 13, 16, 18-20, 22, 25, 27 and 28 are amended. Support for the amendments may be found at least on pages 9-12 of the Specification. Reconsideration of the claims is respectfully requested.

Amendments were made to the specification to correct errors and to clarify the specification. No new matter has been added by any of the amendments to the specification.

I. Examiner Interview

Applicant thanks Examiner Lezak for all the courtesies extended Applicant's representative during the May 23, 2005 telephone interview. During the interview, Examiner Lezak indicated that the above amendments would overcome the *Graham* reference.

II. 35 U.S.C. § 103, Obviousness

The examiner has rejected claims 1-28 under 35 U.S.C. § 103 as being unpatentable over Graham et al. (U.S. Patent No. 6,804,659 B1). This rejection is respectfully traversed.

As to claims 1, 4, 6, 10, 13, 15, 19, 22, 24, and 28, the Office Action states:

Regarding Claims 1, 4, 6, 10, 13, 15, 19, 22, 24 & 28, Graham discloses an Internet target marketing system, method and computer program, (Abstract & Cols. 17-20) comprising:

- watching a datastream representing a page for delivery to a client via a network, (Col. 1, lines 51-67; Col. 3, lines 1-47; & Col. 4, lines 42-63);
- determining if an advertisement subject to display restrictions is identified in said datastream, (Col. 8, lines 14-67; Cols. 9 & 10 – particularly Col. 10, lines 32-44), (Examiner notes that Graham teaches display restriction; however Graham does not specifically mention use of the same for restricting subjectively "inappropriate" material from being displayed. Examiner finds that as Graham teaches the generation of a "contextually sensitive advertisement", (Abstract), the same would obviously

be based on user interest, as noted by user, and wherein a user could obviously indicate that subject matter which they found inappropriate to display, (i.e.; on a family computer used by minor children));

- determining if said advertisement is displayed in said page in response to a predetermined set of key items, (Col. 6, lines 7-47; Col. 7, lines 46-67; Col. 8, lines 61-67; & Col. 9, lines 1-4), wherein said step of determining if said advertisement is displayed includes the steps of:
- determining a number of matched key items in content of said page, (per pending Claims 4, 13, 22 & 28), (Col. 7, lines 46-67 & Cols. 8-10); and
- determining if said number of matched key items is less than a predetermined lower threshold, (per pending Claims 4, 13, 22 & 28), (Col. 7, lines 46-67 & Cols. 8-10 – particularly, Col. 10, lines 32-44), (Examiner notes that Graham specifically teaches a threshold comparison and display limitation, wherein any determination based on the same would have been obvious as a means by which content is chosen for display); and
- if said number of matched key items is not less than said predetermined lower threshold, determining if said number of matched key items is not less than a predetermined upper threshold, and wherein said advertisement does not display if said number of matched key items is not less than said predetermined upper threshold, (per pending Claims 6, 15, 24 & 28), (per pending Claims 4, 13, 22 & 28), (Col. 7, lines 46-67 & Cols. 8-10 – particularly, Col. 10, lines 32-44), (Examiner notes that Graham specifically teaches a threshold comparison and display limitation, wherein any determination based on the same would have been obvious as a means by which content is chosen for display).

Office Action dated March 25, 2005, pages 2-4.

Thus, Claims 1, 4, 6, 10, 13, 15, 19, 22, 24 & 28 are found to be unpatentable over considerable consideration of the teachings of Graham.

A. All claim limitations must be considered, especially when missing from the prior art.

In comparing *Graham* to the cited reference all of the limitations of the presently claimed invention may not be ignored in an obviousness determination. Amended claim 1, which is representative of other independent claims 10, 19, and 28, with respect to similarly recited subject matter, reads as follows:

1. (Currently amended) A method comprising the steps of:
 - watching a datastream representing a page for delivery to a client via a network;
 - determining if an advertisement subject to display restrictions is identified in the datastream; and
 - determining if the advertisement associated with the page is restricted from being displayed in the page in response to a content analysis of the datastream, wherein an undesired user association between the advertiser and page content is avoided.

a. Watching a datastream representing a page for delivery to a client

Graham does not teach all of the features of amended claim 1. *Graham* teaches the following:

upon content of an active document is provided. An active document can be one that is presently displayed to a user, for example. However, in some embodiments, an active document can be one that is being processed by a daemon or background process. The method includes analyzing at least one document to identify discussion of information corresponding to one or more user selectable concepts of interest. This analysis can provide a user concept relevance, which can comprise a measure of relevance of the document to one or more concepts defined by the user. The method can also include analyzing the document to identify discussion of information corresponding to one or more advertiser selectable concepts of interest. This analysis can provide an

Graham, column 2, lines 1-13.

more user selectable concepts. The system also comprises an advertising content recognizer that analyzes content of documents for information corresponding to one or more advertiser selectable concepts. A comparator compares the output from the profile content recognizer and the output from the advertising content recognizer and selects from a plurality of stored advertisements ones that are relevant to the information contained in the documents based upon the comparison.

Graham, column 2, lines 33-40.

As can be seen above, although *Graham* does teach analyzing documents to identify "user selectable concepts of interest" and "advertiser selectable concepts of interest"(column 2, lines 1-13 and lines 33-36), *Graham* does not teach "watching a datastream representing a page for delivery to a client via a network," as recited in amended claim 1. *Graham* merely teaches analyzing "content of an active document" that is being displayed to a user and analyzing document content for concepts of interest.

Graham, column 2, lines 1-8. *Graham* fails to teach, suggest or motivate “watching a data stream.”

b. Determining if the advertisement is restricted from being displayed

Additionally, amended claim 1 recites “determining if an advertisement subject to display restrictions is identified in the data stream; and determining if the advertisement associated with the page is restricted from being displayed in the page in response to a content analysis of the data stream.” Such a feature is not taught or suggested by *Graham*. This cited reference teaches the following:

In a particular representative embodiment according to the present invention, advertising can be targeted based upon the user's concepts of interest and how relevant these concepts are for a particular document. Relevance can be determined using a scoring or other method as described below. This information, in conjunction with the actual content of the document, can be used to target advertising to users. Concepts, which define sets of interests, can be collected from user input or other mechanisms. In a presently preferable embodiment, user privacy can be maintained because user profiles are not shared with advertisers. User profiles can be stored locally on the client computer, or at an ISP server, or a proxy service, for example. In some specific embodiments, advertisers can be provided statistical information recorded by the user's browser, for example.

In a yet further embodiment according to the present invention, advertising can be selected based on content analysis. Advertising can be associated with web page contents for portals and the like based upon a system of assigned concepts. Providers of web portals, for example, can create a set of associations between web pages linked to the portal web page and the advertisement. In a particular embodiment, content analysis techniques can provide the associations between advertising objects and web objects based upon particular categories.

FIG. 4A depicts a flowchart 401 of simplified process steps for targeting marketing information to users based upon content of one or more documents displayed to the user in a particular representative embodiment according to the present invention. This diagram is merely an example which should not limit the scope of the claims herein. One of ordinary skill in the art would recognize many other variations, alternatives, and modifications. FIG. 4A illustrates a step 402 of analyzing a document to identify discussion corresponding to one or more user selectable concepts of interest. The content of documents can be analyzed using techniques described herein with reference to FIGS. 5-8 in which the text of a document is compared to a collection of concepts (i.e. concepts of interest), to generate a probability for each concept representing the similarity between concept and document. Further

information about relevancy determination techniques can be had by reference to commonly owned U.S. patent application Ser. No. 08/995,616, the entire contents of which is incorporated herein by reference for all purposes. Then, in a step 404, a collection of relevant concepts can be produced based upon the probabilities determined in step 402.

Then, in a step 406, the contents of the document is again analyzed using the same technique as in step 402, to determine relevance between the document and concepts which represent advertiser definitions. In a specific embodiment, these advertising concepts can be keywords that advertisers have identified as being relevant to their product, for example.

Graham, col. 8 lines 14-67.

This section of *Graham* teaches how to select advertisements, rather than how to restrict advertisements, as in the presently claimed invention in claim 1. As can be seen, this section teaches how to determine what advertisements to target to users based on content analysis of documents that are retrieved. No teaching, suggestion, or incentive is present for determining if the advertisement is to be restricted from being displayed in response to a content analysis of the datastream, wherein an undesired user association between the advertiser and page content is avoided.

Graham also teaches the following:

Next, in an optional step 409, the collection of concepts produced in step 404 can be delivered to a web browser configured to display indications of relevancy of the document to user. Then, in a step 410, a comparison can be made between the collection of user concepts provided by step 404 and collection of advertising concepts provided by step 408 in order to determine which advertising concepts are most similar, for example, to the user concepts. Then, in a step 412, the selected advertising can be delivered to the user. Optionally, the advertising can be displayed in a marketing information area of a web browser, for example.

Graham, col. 9 lines 5-15.

This portion of *Graham* teaches whether to display advertisements based on a relevancy of the advertisement. *Graham* goes on to state:

If multiple advertisements with the same R_j value are present, the a_j value can be used to "break the tie," and the advertising concept with the higher score with respect to the document will be delivered to the user's browser. If R_j does not exceed some threshold, e.g. 20% relevancy, the advertisements can be ranked using the original content based value a_j . In

this case, the better solution is to deliver an advertisement that is at least similar in content to the current document. Note that in the case where neither the R_j value nor the a_j value surpass a threshold, then either no advertisement is displayed, or other information in the advertisement area such as relevant headline news or news related to the user's profile can be displayed.

Graham, col. 10, lines 32-44.

This portion of the cited reference teaches that an advertisement may not be displayed if the relevancy of the advertisement to the document does not exceed a threshold level. This threshold level is with respect to relevancy of the advertisement to the content in the document. This feature in *Graham* is not the same as determining if the advertisement is to be restricted from being displayed in response to a content analysis of the datastream, wherein an undesired user association between the advertiser and page content is avoided.

Therefore, although *Graham* does teach a content analysis of documents to identify "user selectable concepts of interest" (column 2, lines 1-8) and content analysis of advertising to identify "information corresponding to one or more advertiser selectable concepts" (column 2, lines 33-36); delivering targeted advertising to users (column 9, lines 5-15); and displaying no advertising to user if a relevancy value (R_j) and comparison value between advertising content and document content (a_j) does not exceed a certain threshold relevancy (column 10, lines 19-24 and lines 32-44), *Graham* fails to teach "determining if an advertisement subject to display restrictions is identified" and "determining if the advertisement associated with the page is restricted from being displayed" so that an undesired user association between the advertiser and page content is avoided. Thus, no teaching, suggestion, or incentive is present for the determining step of claim 1.

B. Stating that it is obvious to try or make a modification or combination without a suggestion in the prior art is not *prima facie* obviousness.

The fact that a prior art reference can be readily modified does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Laskowski*, 871 F.2d 115, 10 U.S.P.Q.2d 1397 (Fed. Cir. 1989); *see also In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The examiner may not

merely state the modification would have been obvious to one of ordinary skill in the art without pointing out in the prior art a suggestion of the desirability of the proposed modification.

The present invention in amended claim 1 includes the feature "determining if an advertisement subject to display restrictions is identified" and "determining if the advertisement associated with the page is restricted from being displayed," to prevent inappropriate display of advertisements. In contrast, *Graham* teaches analyzing advertising content and document content to determine concepts of interests to target advertising to users based on user interests, but does not teach, suggest or motivate modifications in a system whereby an advertiser, concerned about the placement of the advertiser's advertising in a web page, to include features from claim 1 to restrict display of advertisements in documents that may have an undesired user association or reflection on the advertiser.

Graham is directed towards solving the problem of targeting advertisements to users without compromising user privacy by distributing targeted online advertising to users based on analyzing the content of documents displayed to users and identifying concepts of interest to the users. *Graham*, column 1, lines 35-65 and column 2, lines 5-10. Nothing is present, in any section of *Graham* to teach, suggest or motivate "determining if an advertisement subject to display restrictions" and "if the advertisement is restricted from being displayed" wherein an undesired user association between the advertiser and page content is avoided. In contradistinction, the present invention in claim 1 is directed towards preventing creation of an undesired user association with an advertiser's product or service by restricting display of advertiser's advertising with page content deemed inappropriate by the advertiser or sponsor.

C. The proposed modification of *Graham* would not be made when *Graham* is considered as a whole.

"It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art." *In re Hedges*, 228 U.S.P.Q. 685, 687 (Fed. Cir. 1986). Thus, when *Graham* is examined as a whole, *Graham* teaches one of ordinary skill in the art.

Therefore, one of ordinary skill in the art would not be motivated to make the examiner's proposed modifications to reach the presently claimed invention when *Graham* is considered as a whole.

When considering *Graham* as a whole, one of ordinary skill in the art would consider the problem addressed by this cited reference. *Graham* is directed towards solving the problem of targeting advertisements to users without compromising user privacy by distributing targeted online advertising to users based on analyzing the content of documents displayed to users and identifying concepts of interest to the users.

Graham, column 1, lines 35-65 and column 2, lines 5-10. *Graham* teaches:

With the rapid development of electronic commerce, the number of Internet companies offering free services with the goal of creating a customer base for web advertising has increased dramatically. Typically, Internet companies host web pages using a portal, a web page with links to many other web pages. Portals contain web advertisements. Companies advertising on the portal pay a royalty to the portal provider. Examples of popular portals include MYYAHOO, MYEXCITE, NETSCAPE NETCENTER, and HOTMAIL.

While there are perceived advantages to using web portals, further efficiencies can be had. For example, web portals are unable to provide advertising to the user once the user exits the realm of web pages controlled by the portal. Internet service providers (ISPs), such as America on Line (AOL), have more control over the advertising reaching their subscribers because the ISPs retain control over pages served to the user. However, to continue to provide advertising on every web page served to a user currently requires reformatting the web page or popping up annoying windows with advertisements in them.

What is needed is a technique for targeting advertising to online users without compromising user privacy.

Graham, col. 1, lines 26-47.

Graham recognizes a problem with user privacy in providing or including advertising to web pages. In contrast, the present invention in claim 1 is directed to the following problem:

A web browser allows the user to specify or search for a web page on the WWW and subsequently retrieve and display web pages on the user's computer screen. Such web browsers are typically installed on personal computers or workstations to provide web client services, but increasingly may be found on other wired devices, for example personal digital assistants (PDA) or wireless devices such as cell phones. As noted above, transactions between Web client and server may be dynamic, in particular,

the advertising content may be dynamically selected. In other words, advertising and similar promotional materials provided by a sponsor may be selected and incorporated into the web page, that is, the HTML or similar file may be dynamically selected in response to the predetermined criteria, or policies, established by the content provider. For example, advertising copy may be selected for insertion into the content to be communicated to the client based on the geographic location of the client, or, alternatively, the content provider may select advertising based on sponsor, or subscriber, fulfillment requirements. In other words, the content provider may simply incorporate advertising into the pages based on each sponsors *pro rata* share of the request for the particular page. Additionally, a Web page provider may use customer relationship data, such as cookies, or a history of topics browsed by a particular userid, to push advertising. However, incorporating advertising into web page content in this way may occasion an undesired user association of the advertisers product or service with the content of the page. For example, a web page reporting news content which includes copy related to a news report detailing a criminal act may create an undesired user association with an ad for a product which, coincidentally, was used in the perpetration of the crime. Consequently, there is a need in the art for a mechanism which provides some control by the sponsor of advertising to be delivered in association with web page content to mitigate against the association of the sponsors advertising with content that may create an undesired user association with the advertiser's product or service.

Specification, page 2, line 6 – page 3, line 3.

The present invention recognizes problems with advertisements that may create an undesired user association with an advertiser's product or service. *Graham* is directed towards how to select advertisements without compromising user privacy, while the present invention is concerned with how to avoid a negative impact on an advertiser's product or service when an advertisement is placed in a Web page. *Graham* recites as follows:

What is needed is a technique for targeting advertising to online users without compromising user privacy.

Graham, column 1, lines 46-48.

running. Such embodiments can provide better targeting of advertisements than conventional techniques. Some embodiments according to the present invention can provide better protection of viewers' privacy than conventional web browser user interfaces.

Graham, column 3, lines 33-37.

As can be seen this cited reference selects advertisements for Web pages or documents based on user interests, concepts in the documents, and the advertisements. As shown above, *Graham* merely analyzes documents for information corresponding to concepts of interest for users and advertisers and compares how relevant those advertiser concepts are to particular documents and user interests (column 2, lines 1-13 and lines 33-40). In contradistinction, the presently claimed invention in claim 1 recites "watching a datastream representing a page for delivery to a client via a network; determining if an advertisement subject to display restrictions is identified in the datastream; and determining if the advertisement associated with the page is restricted from being displayed in the page in response to a content analysis of the datastream, wherein an undesired user association between the advertiser and page content is avoided."

Thus, one of ordinary skill in the art would not modify *Graham* to reach the presently claimed invention when *Graham* is considered as a whole. The Examiner alleges that *Graham* teaches display restriction and generation of contextually sensitive advertisement so it would be obvious "based on user interest, as noted by user, and wherin a user could obviously indicate that subject matter which they found inappropriate to display, (i.e., on a family computer used by minor children)." Office Action dated March 25, 2005, pages 2-3. However, *Graham* is directed towards targeting advertising to users based on the users interests by distributing targeted advertising to users based on analyzing advertising content and content of documents displayed to users to identify concepts of interest to the users. *Graham* merely teaches analyzing documents and advertising to determine relevance of the advertising to user interests. According to *Graham*, advertising is only "contextually sensitive" to the extent the system of *Graham* compares the concepts of interest to user with advertising concepts, and targets advertising to users based on user interests. Therefore, one of ordinary skill in the art, being presented with the system of *Graham* and without having a prior knowledge of Applicant's claimed invention, would not have found it obvious to modify *Graham* in the manner required to reach the presently claimed invention.

Therefore, *Graham* fails to teach or suggest all of the features in independent claim 1. Independent claims 10, 19, and 28 recite subject matter similar to that in independent claim 1, and are allowable under the same rationale. At least by virtue of

their dependency on claims 1, 10 and 19, the specific features of dependent claims 2-9, 11-18 and 20-27 are not taught or suggested by the prior art of reference. In addition, dependent claims 2-9, 11-18 and 20-27 recite additional features and combinations not taught or suggested by *Graham*.

As to dependent claims 2, 11 and 20, *Graham* fails to teach or suggest "matching against a predetermined set of key items, wherein the step of matching against a predetermined set of key items includes: determining if a matched key item is a prohibited item, wherein the advertisement is not displayed if the matched key item is a prohibited item; and if the matched key item is not a prohibited item, determining if the advertisement is displayed," as is recited in amended claims 2, 11 and 20. Although *Graham* does teach content analysis of documents and advertising (column 2, lines 5-63) and highlighting key phrases in a document "according to their relevance to the user's selectable concepts of interest" (column 7, lines 46-67), *Graham* does not teach or disclose "matching against a predetermined set of key items" as in the presently claimed invention. The "key phrases" of *Graham* merely represent "user-defined concept of interest" that may be highlighted throughout a document to enable a user to find relevant information more efficiently. (column 7, lines 46-67). As discussed above, the system of *Graham* identifies advertiser concepts of interest and user selectable concepts of interest and targets advertising to users based on the relevance of user concepts to advertising concepts. *Graham*, column 8, lines 61-67; column 10, lines 12-44 and abstract.

In contradistinction, the presently claimed invention determines "if a matched key item is a prohibited item, wherein the advertisement is not displayed if the matched key item is a prohibited item." Furthermore, the key items of the presently claimed invention, unlike the "key phrases" of the system of *Graham*, are defined in the Applicant's specification to include "sexually explicit content, or content associated with certain specific material, such as, negative news reports with references to goods or services of the same kind or category as the advertiser's goods or services, or content with respect to particular individuals with whom a negative connotation may be associated." Applicant's specification at page 9, lines 13-17. Nowhere in any section of *Graham* is matching against a predetermined set of key items, wherein matching against a predetermined set of key items includes determining if a matched key item is a prohibited item," taught or

suggested. Nor is a "prohibited item" or "a matched key item" that is a prohibited item taught, suggested, or even mentioned in *Graham*. Therefore, *Graham* fails to teach, suggest or motivate the combination of features recited in claims 2, 11, 20, and 28.

Therefore, the system of *Graham* does not teach or suggest the combination of features recited in amended claims 2, 11 and 20. At least by virtue of their dependency from claims 2, 11 and 20, the specific features of dependent claims 3-8, 12-17, and 21-27 are not taught or suggested by *Graham*. Furthermore, dependent claims 3-8, 12-17 and 21-27 recite additional combinations of features not taught or suggested by *Graham*.

As to dependent claims 4, 13 and 22, *Graham* fails to teach or suggest "determining if the number of matched key items is less than a predetermined lower threshold" as recited in the presently claimed invention. The Office Action alleges "determining if the number of matched key items is less than a predetermined lower threshold" is taught at column 7, lines 46-67 and columns 8-10—particularly column 10, lines 32-44. However, as discussed above, the above cited sections of *Graham* merely teach comparing user concepts of interest and advertiser concepts to target advertising to users. *Graham* only discloses "user-defined concept of interest can include a collection of key phrases that describe important features in documents about that concept" and key phrases are highlighted so user can find relevant information more efficiently. *Graham*, column 7, lines 46-67. In column 8, *Graham* describes content analysis of documents and advertising to identify user's concepts of interest and "advertising concepts can be keywords that advertisers have identified as being relevant to their product." *Graham*, column 8, lines 13-60 and lines 64-67. *Graham* teaches making a comparison between user concepts and advertising concepts to determine which advertising concepts are most similar to user interests. *Graham*, column 9, line 5-column 10, line 44. The cited portion of *Graham* at column 10, lines 32-44 merely teaches that to determine the "best" advertising concept given the user concepts of interest, where the relevancy value (R_j) does not exceed some threshold, the advertisement can be ranked according to the comparison value between advertising and document (aj)content value. *Graham*, column 10, lines 20-38. *Graham* also discloses that where neither the R_j nor the aj value exceeds a threshold, no advertisement may be displayed. *Graham*, column 10, lines 39-44. However, *Graham* does not teach, suggest or motivate "determining if the number of

matched key items is less than a predetermined lower threshold." Although *Graham* does disclose a "threshold value" and a comparison value, such teaching is insufficient to show a "number of matched key items is less than a predetermined lower threshold," as in the presently claimed invention. Therefore, *Graham* does not teach or suggest the combination of features recited in amended claims 4, 13, 22, and 28.

As to claims 6, 15 and 24, *Graham* does not teach "determining if said number of matched key items is not less than a predetermined upper threshold" as recited in the presently claimed invention. The Office Action alleges that this feature is taught at column 7, liens 46-67 and columns 8-10—particularly, column 10, lines 32-44. The cited portions of *Graham* are discussed above with regard to dependent claims 4, 13 and 22. As discussed above, although *Graham* teaches a threshold value and a comparison value, *Graham* does not teach or suggest non-display of an advertisement if "number of matched key items is not less than a predetermined upper threshold" wherein key items identify content deemed inappropriate by the advertiser or sponsor. As discussed above, the comparison disclosed in *Graham* is merely a comparison of user interest concepts and advertising concepts for determining the best advertising concept given all of the user concepts. Furthermore, the threshold value of *Graham* is merely a threshold indicating relevancy of advertising concepts to user interests. Such teaching is not sufficient to show an upper threshold of matched key items, wherein key items indicate content deemed inappropriate by the advertiser or sponsor. In fact, nowhere in any section of *Graham* is an "upper threshold value" or key items indicating inappropriate content even mentioned or suggested.

As to claims 7, 16 and 25, *Graham* fails to teach or disclose "launching an exception process" that comprises "sending a display permission request to the advertiser or sponsor, wherein the request may include a list of matched key items, the number of matched key items, and a semantic analysis from a semantic parsing of the datastream; transmitting a copy of the page to the advertiser or sponsor if a request for the web page is received; and displaying the advertisement in accordance with a response authorizing display of the advertisement," as recited in amended claims 7, 16 and 25.

The Office Action alleges that "exception process for determining if said advertisement is displayed in accordance with a permission received from a sponsor of

“said advertisement” is taught at column 7, lines 46-67 and columns 8-10—particularly, column 10, lines 32-44. The cited portions of *Graham* are discussed above with regard to dependent claims 4, 13 and 22. As discussed above, although *Graham* does teach a comparison value (aj) which may be used to “break a tie” in the event that advertisements have the same R_j values, *Graham* does not teach launching an exception process comprising “sending a display permission request to the advertiser or sponsor, wherein the request may include a list of matched key items, the number of matched key items, and a semantic analysis from a semantic parsing of the datastream” as is recited in amended claim 7. Furthermore, nowhere in any section of *Graham* is “sending a display permission request” to the advertiser or sponsor taught or suggested. Nor does *Graham* teach or suggest “transmitting a copy of the page to the advertiser or sponsor if a request for the web page is received” and “displaying the advertisement in accordance with a response authorizing display of the advertisement.”

Although the Office Action alleges that the aj score could “obviously and clearly reflect sponsor choice,” the aj value as disclosed in *Graham* is merely a comparison value between advertising and a document. *Graham*, column 10, lines 19-22. Such teaching is insufficient to suggest or motivate sending a display permission request and displaying the advertisement in accordance with a response authorizing display of the advertisement. Furthermore, nowhere in any section of *Graham* does it teach, suggest or even mention a “display permission request” as is now recited in amended claim 7, 16 and 25. Therefore, *Graham* does not teach, suggest or motivate the combination of features recited in amended claims 7, 16, 25, and 28.

As to claims 8, 17 and 26, *Graham* does not teach or suggest “tallying fulfillment data if said advertisement does not display.” The Office Action alleges this feature is taught at column 5, lines 30-39 and column 6, lines 4-6, which read as follows:

It is a noteworthy aspect of embodiments according to the present invention that advertisers can update their corresponding marketing information substantially independently of interfering with the clients' viewing of the information. In a presently preferable embodiment, advertisers can also monitor usage of their marketing information by the clients by, for example, counting the “hits” on a particular web object corresponding to the advertiser's marketing information to indicate usage. In some embodiments, usage statistics can be provided by server 10.
Graham, column 5, lines 30-39.

base. In a specific embodiment, advertisers can, however, receive statistical information regarding usage from the ISPs.

Graham, column 6, lines 4-6.

The above cited portions of *Graham* merely describe providing information regarding usage of advertiser's marketing information by users. Such usage of marketing information by a user does not teach or suggest "tallying fulfillment data" if an advertisement is not displayed. On the contrary, the system of *Graham* teaches away from the presently claimed invention where *Graham* teaches providing usage information for advertisements that are displayed and utilized by users, rather than tallying fulfillment data if the advertisement is not displayed. Nowhere in any section of *Graham* is "fulfillment data" taught or suggested. Furthermore, the "usage data" taught in the system of *Graham* merely indicates usage of marketing information by users. Therefore, the system of *Graham* fails to teach or suggest "tallying fulfillment data" as is recited in claims 8, 17 and 26.

As to claims 9, 18 and 27, *Graham* does not disclose a "semantic parsing of the data stream, wherein an exception subprocess is launched if a negative semantic context is identified," as is now recited in amended claims 9, 18, and 27. Although *Graham* does briefly mention "a parsed text stream with formatting information," *Graham* does not teach or suggest launching an exception subprocess "if a negative semantic context is identified." As discussed above, *Graham* fails to teach or suggest an exception subprocess as recited in the presently claimed invention. Furthermore, nowhere in any section of *Graham* does it teach or suggest launching an exception subprocess "if a negative semantic context is identified." Therefore, *Graham* does not teach or suggest the combination of features now recited in amended claims 9, 18, 27 and 28. In addition, amended claim 28 recites features addressed above with respect to claims 1-27 and is distinguishable over *Graham* under the same rationale. Therefore, the rejection of claims 1-28 under 35 U.S.C. § 103 has been overcome.

III. Conclusion

It is respectfully urged that the subject application is patentable over *Graham* and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 2, 2005

Respectfully submitted,



Mari Stewart
Reg. No. 50,359
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants